#### FY2017 - Petition for Waiver

Date filed: April 16, 2018

Contact Person: Cindy Spenner, Academic Technology Manager, Cindy.Spenner@bishopheelan.org

Applicant: Bishop Heelan Catholic Schools, BEN: 16038318

Service Provider: FiberComm, L.C., SPIN: 143021132

FCC Form 471 Application Number: 171042187

FRN: 1799095603

RE: Request for waiver of FCC rules regarding 60 days to file an appeal with USAC

#### Background:

- This request for waiver of FCC rules is in regards to funding year 2017 Form 471, Application #171042187, FRN #1799095603. This FRN was approved in full in wave 7 (FCDL date 7/14/2017).
- On July 20, 2017, the Applicant generated the funding commitment decision letter, along with the details below. Note that the CSV file contained the following information for FRN #1799095603. The highlighted cell shows that there was a clerical error on the service start date. (It should have been 7/1/2017).

Contract Number	Account Number	Service Start Date	Contract Expiration Date	Award Date	Expiration Date (All Extensions	Months Of Service In Funding Year	•	
1282016		7/1/2016	4/20/2026	1/28/2016	6	12	2	х
Total Eligible Recurring Charges	Total Eligible One Time Charges	Total Pre- Discount Charges	Discount Rate	Committed Amount	Application FCDL Comments	FCDL Comments	Wave Number	Last Allowable Date For One Time Services
\$43,200.00	\$0.00	\$43,200.00	50.00%	\$21,600.00			7	6/30/2018

• The Applicant filed corresponding Form 486 #83718 on 11/10/2017 – certified at 9:59 AM CST. Again due to the original clerical error on form 471 (which was not caught in

- the pre-commitment PIA review process), the wrong service start date was included on form 486.
- On December 1, 2017, USAC sent the Applicant a "Request for Corrections of Certain Service Start Dates" with instructions to submit corrections via email response by December 11, 2017 (Included in Supporting Doc. #1 – email correspondence regarding Service Start Date issue).
- Early on December 12, 2017, the Applicant realized it had missed the 12/11/2017 deadline to correct the service start date. Upon realizing the error, the created a Customer Service Case at 4:33 am CST on 12/12/2017 via EPC because there were still questions regarding the necessary correction. (Re: Supporting Docs #2 Customer Service Contact records Sheet B). Note that the action undertaken by the school occurred only a few hours after the deadline to correct the service start date. This action was taken to ensure that the information provided to USAC would be accurate.
- In response to the request from USAC, the Applicant followed up with direct email at 7:15 am with the corrected service start date (Re: Supporting Docs #1- Email Response sent on 12/12) and followed up with a call to USAC Client Services who created another Customer service case at 7:16 am CST (Re: Supporting Docs 2 Sheet C) with another Customer Service contact @ 11:40 am CST to USAC (Re: Supporting Doc. #2 Sheet D). Again note that the correction to the service start date was filed within 24 hours of the deadline to correct the service start date.
- Following this communication, no other notices were sent by USAC, either by email, by phone, or in response to Customer Service cases regarding the service start date correction. The Applicant, therefore, assumed the start date was corrected and that invoicing by the service provider via form 474 would be successful.
- On February 22, 2018, the Applicant received an email from the vendor that they had been notified of the incorrect Service Start Date when attempting to file an invoice with USAC. The school followed up that same day with a call to the vendor. (Re: Supporting Doc. #3-email corresponding to vendor inquiries)
- The information provided to the vendor by USAC invoicing states, Michelle, The FRN 1799095603 for this Invoice was determined to have an incorrect Service Start Date and/or End Date. It is currently being reviewed to determine what changes need to be made. Once that review is completed, the review of the Invoice can be completed as well. If additional information is needed, the SP/Applicant will be contacted. We do not have an estimated completion date available at this time. If you have any additional questions or concerns, you may reopen the case and add a note. If the case cannot be reopened, please create a new customer service case or contact the Client Service Bureau at 888-203-8100. (emphasis added).
- Due to the message received by the service provider and forwarded to the Applicant, the Applicant assumed that USAC was still reviewing the information sent by the school on 12/12/2017.
- On 2/27/2018, the Applicant resent the original email from 12/12/2017 (Re: Supporting Doc #1-email correspondence) as well as reached out to via a Customer Service Case #225951 (Re: Supporting Doc #2 – Sheet E).
- Additionally, as the Applicant worked with Program Integrity Assurance regarding 2017
  applications, the Applicant asked the PIA reviewer to check if there were any other issues for
  2017. The reviewer assured the Applicant all was fine. After receiving the notice from the
  vendor in February and resending the request to correct the service start date, with still no

response from USAC regarding whether the correction was made, the Applicant decided to file an appeal for the Service Start Date Correction – Appeal #90631 – 2/27/2018 – 10:18 am CST, even though no post-commitment denial for correction of the service start date was ever sent by USAC to the applicant. (Re: Supporting Doc. #4-appeal of service start date correction). Apparently because this appeal was filed more than 60 days after "denial" to correct the service start date, USAC had no choice but to deny the requested appeal.

- With no further notice from USAC, on 3/5/2018, the Applicant submitted another Customer Service inquiry via phone as to the status of any reviews and was informed the applicant needed to just wait for info from USAC. (Re: Supporting Docs #2 Sheet F).
- After two more weeks, the Applicant submitted a Customer Service inquiry on 3/19/2018
  regarding the status of the appeal. Customer Service responded that because the appeal
  was under review for less than 90 days, the Applicant needed to wait to be contacted. (Re:
  Supporting Docs #2-Sheet G). It has now been more than 90 days.

At this time, Bishop Heelan Catholic Schools requests a waiver of the rule that states an appeal must be filed with USAC within 60 days after a denial and that the FCC allows USAC to work with the applicant to correct the service start date. The Applicant contends that because no formal notice was provided to the Applicant that the correction of the service start date would not be allowed, the Applicant was unaware that an appeal was even needed until after the 60 days had passed. In fact, correspondence from USAC invoicing and Customer Service indicated to the contrary that USAC was working on fixing the clerical error of the wrong service start date. Only after escalating the case within USAC was the Applicant notified that the appeal was denied and that a waiver to the FCC was needed.

Request of Waiver: Remand back to USAC so that the Service Start Date Correction may be implemented

Modification: FRN 1799095603

Correct Service Start Date: 07/01/2017

Service type: Category 1

Total Eligible Recurring Amt: \$43,200

Discount Rate: 50%

Commitment Amt: \$21,600

Respectfully submitted on behalf of Bishop Heelan Catholic Schools,

**Cindy Spenner** 

Academic Technology Manager Bishop Heelan Catholic Schools

Cindy Spenner

cindy.spenner@bishopheelan.org

712.253.8061 | cell

# Spenner, Cindy

# Resubmission of Service Start Date Correction via email.

From:

Spenner, Cindy

Sent:

Tuesday, February 27, 2018 10:06 AM Due to notice from vendor.

To:

'SL-CS@usac.org'

\* Note: there has

Cc: Subject: Spenner, Cindy

RE: Service Correction Start Dates - BEN 16038318

been no notice from

Reviewer since

Note: Reissuing this email as well as submitting for appeal. Please refer to service correction info. initial email

on 10/12/2017

Cindy

Cindy Spenner Academic Technology Manager/Webmaster Bishop Heelan Catholic Schools Cell | 712.253.8061

cindy.spenner@bishopheelan.org

Visit Our Website

Email Response on 12/12/2017

From: Spenner, Cindy

Sent: Tuesday, December 12, 2017 7:15 AM

To: SL-CS@usac.org

Subject: Service Correction Start Dates - BEN 16038318

Note: My apologies for missing this – we are in the midst of moving to our new high school in 2 weeks. I had a question on the service end date and attempted to call last week. I also sumitted an online inquiry (Case #210863 has been created)

I just got thru to USAC support -got my question answered. I have made the adjustments below.

Thank you,

Cindy Spenner

Cindy

Academic Technology/Webmaster

Bishop Heelan Catholic Schools

Cell | 712.253.8061

Visit our website!

Original notice 19/1/2017

From: USAC Schools and Libraries [mailto:e-rate@lists.universalservice.org]

Sent: Friday, December 1, 2017 3:29 PM

To: Spenner, Cindy < Cindy. Spenner@bishopheelan.org >

**Subject:** Please Submit Corrections to Your FY2017 Service Start Dates

View this message as a web page

# Schools and Libraries (E-rate) Program

usac.org/sl

# Request for Corrections to Certain Service Start Dates for FY2017

#### Dear Applicant:

During a review of your Funding Year (FY) 2017 FCC Form 471, we discovered that the service start date you reported on one or more of your Funding Request Numbers (FRNs) is outside the funding year. The Service Start Date (SSD) for FY2017 FRNs must be no earlier than July 1, 2017.

Please see the table below which lists each Billed Entity Number (BEN), Billed Entity Name, Funding Request Number (FRN), FCC Form 471 Number, and current SSD for each impacted FRN:

BEN - BEN Name	FRN (FCC Form 471 #) - Current SSD
16038318 - BISHOP HEELAN CATHOLIC	1799095603 (171042187) -
SCHOOLS	07/01/2016

## **Required Action:**

The above Service Start Date(s) must be corrected to a date on or after July 1, 2017. Also, your Service End Date (SED) or Contract Expiration Date (CED) may need to be corrected as well. To review your SED or CED, you can access each FCC Form 471 from your landing page in the E-rate Productivity Center (EPC).

Please provide the corrected date(s) using the following format:

FRN	FCC Form 471 #	<b>Revised SSD</b>	<b>Revised SED or CED</b>
1799095603	171042187	<del>-07-01-2016</del>	<del>-06-30-2018</del>
1799095603	171042187	07-01-2017	04-20-2026
			(contract end date)

We will process the information you provide and issue a Revised Funding Commitment Decision Letter (RFCDL) showing the corrected date(s). The current version of your FCC Form 471 will also show the corrected date(s).

Please submit your changes to <u>SL-CS@usac.org</u> by Monday, December 11, 2017. If you have questions, you can contact the Client Service Bureau at 888-203-8100 or create a customer service case in EPC.

Thank you for your assistance.

Overview

Records / Applicant Entities

# #16038318 - BISHOP HEELAN CATHOLIC SCHOOLS

CREATE A CUSTOMER SERVICE C...

Modifications

Additional Information

Discount Rate

Contracts

FCC Forms

FRN Appeals

News

**Related Actions** 

Documentation of Customer Service Contact

#### **Customer Service Cases**

Case ID	Nickname	Topic	Status	Created By	Date Created
233581		FCC Form 472 - BEAR	Closed	EPC System	4/10/2018 12:57 PM CDT
233562		FCC Form 486	Closed	EPC System	4/10/2018 11:33 AM CDT
233554	BHCS - FY2016-Cat2ver2	FCC Form 472 - BEAR	Pending USAC	Cindy Spenner	4/10/2018 11:07 AM CDT
233097		Online Navigation Help	Closed	EPC System	4/5/2018 9:03 AM CDT
229988	Service Start Date correction	Appeals	Closed	Cindy Spenner	3/19/2018 3:00 PM CDT
227640		Other	Closed	donshee.ashford2@gdit. com	3/7/2018 4:06 PM CST
227099		Other	Closed	EPC System	3/5/2018 4:56 PM CST
225951		FCC Form 471	Closed	EPC System	2/27/2018 9:46 AM CST
225868	FY2016-Yellow dog - service sub	FCC Form 472 - BEAR	Closed	Cindy Spenner	2/26/2018 4:47 PM CST
225863	BHCS-Yellow Dog-2-2016	FCC Form 472 - BEAR	Closed	Cindy Spenner	2/26/2018 4:38 PM CST
210982		Other	Closed	EPC System	12/12/2017 11:40 AM CST
210866		FCC Form 471	Closed	EPC System	12/12/2017 7:15 AM CST
210863	BHCS-Cat 1 2017 Service Correction	Post Commitment Changes	Closed	Cindy Spenner	12/12/2017 4:33 AM CST
207352		Online Navigation Help	Closed	james.french@gdit.com	11/17/2017 12:37 PM CST
206203		Other	Closed	EPC System	11/10/2017 11:02 AM CST
206172		FCC Form 471	Closed	samuel,piper@gdit.com	11/10/2017 9:48 AM CST
206167		FCC Form 486	Closed	samuel.piper@gdit.com	11/10/2017 9:36 AM CST
205623		FCC Form 471	Closed	EPC System	11/7/2017 12:48 PM CST
205067		FCC Form 472 - BEAR	Closed	courtney.schumaker@gd it.com	11/3/2017 9:45 AM CDT
205054		Appeals	Closed	courtney.schumaker@gd it.com	11/3/2017 9:17 AM CDT
					<b>1 – 20</b> of 50

# #210863 - BHCS-Cat 1 2017 Service Correction



Summary

New

Related Actions

Sheet B

#### **Case Details**

Topic Post Commitment Changes - Other

Status Closed

Priority High

Inquiry Type Web

Form Type FCC Form 471

Form Number 171042187

Created By Cindy Spenner

Created On 12/12/2017 4:33 AM CST

Organization BISHOP HEELAN CATHOLIC SCHOOLS

#### **Case Description**

Description I attempting to submit my service correction information as requested but i'm not sure what to put for the service end date. I used the info from my 2016 form 470 and we have a ten year contract with our local fiber provider.

#### **Case Artifacts**

Documents Name

Uploaded By

**Upload Date** 

80 CON 12000 27000 25

No items available

#### **Attachments**

Attachment Type

No items available

#### Case Thread

User
USAC

#### **Case Contact**

#210866

**6** 

Summary

News

Related Actions

unimary News Related Acti

Sheet C

#### **Case Details**

Topic FCC Form 471 - Other

Status Closed

**Priority** Medium

Inquiry Type Phone

Form Type FCC Form 471

Form Number 171042187

Created By USAC

Created On 12/12/2017 7:15 AM CST

Organization BISHOP HEELAN CATHOLIC SCHOOLS

#### **Case Description**

**Description** Called regarding the deadline for the Request for Corrections to Certain Service Start Dates for FY2017 Letter.

#### **Case Artifacts**

Documents			Attachments		
Name	Uploaded By	Upload Date	Attachment	Attachment Type	
	No items availab	le		No items available	

#### **Case Thread**

User	Note	Date	
	11		
	No items avai	lable	

#### **Case Contact**

#210982

Summary

News

Related Actions

**Case Details** 

Topic Other

Status Closed

Priority Medium

Inquiry Type Phone

Created By USAC

Created On 12/12/2017 11:40 AM CST

Organization BISHOP HEELAN CATHOLIC SCHOOLS

Sheet D

**Case Description** 

Description I am trying to answer a request about a service correction date, what do I put for the end date?

**Case Artifacts** 

Documents Name

**Uploaded By** 

**Upload Date** 

No items available

Attachments

Attachment

**Attachment Type** 

No items available

**Case Thread** 

User

Note

Date

No items available

**Case Contact** 

# #225951

Summary

News

**Related Actions** 

**6** 

Sheet E

#### **Case Details**

Topic FCC Form 471 - Funding Commitment

Decision

Status Closed

Priority Medium

Inquiry Type Phone

Uploaded By

Form Type FCC Form 471

Form Number 171042187

Created By USAC

Created On 2/27/2018 9:46 AM CST

Organization BISHOP HEELAN CATHOLIC SCHOOLS

# **Case Description**

**Description** I have submitted a correction for a Service Start Date via email.

#### **Case Artifacts**

**Documents** 

Name

**Attachments** 

Attachment **Attachment Type** 

No items available

**Upload Date** 

No items available

#### **Case Thread**

User	Note	Date
USAC	Cindy,  This customer service case has been re-opened but we have received no new information from you. If you have any additional questions or concerns, please reopen the case and provide the information, create a new case, or contact CSB at 888-203-8100.	2/28/2018 10:52 AM CST
USAC	Cindy,  We see that you reopened this case but we have not received any new information. If you have a question or concern, please submit it as a note to the case.	2/27/2018 4:23 PM CST

#### **Case Contact**

#227099

Summary **N** 

News Related Actions

Sheet F



**Case Details** 

Topic Other

Status Closed

Priority Medium

Inquiry Type Phone

Created By USAC

Created On 3/5/2018 4:56 PM CST

Organization BISHOP HEELAN CATHOLIC SCHOOLS

**Case Description** 

**Description** How do i check the status of reviews i have submitted?

**Case Artifacts** 

**Documents** 

Attachments

Name Uploaded By Upload Date

No items available

Attachment	Attachment Type	
	No items available	

**Case Thread** 

User	Note	Date	
	No	items available	

#### **Case Contact**

# #229988 - Service Start Date correction

REOPEN CASE

Related Actions

#### **Case Details**

Topic Appeals - Status Inquiry

Status Closed

Priority High

Inquiry Type Web

Form Type FCC Form 471

Form Number 1799095603

Created By Cindy Spenner

Created On 3/19/2018 3:00 PM CDT

Organization BISHOP HEELAN CATHOLIC SCHOOLS

## **Case Description**

Description I had attempted to correct our service start date for our CAT1 2017 filling back in Dec. I submitted the correction but was not informed that it wasn't made until our vendor contacted me in Feb. I had simple selected the wrong start date (2016) instead of 2017. This is our 2nd year with this vendor and we depend on the credit to help with our technology budget. We have been approved for the CAT1 funding and i just need to get the start date corrected so our vendor canon apply the credit. We need this correction done this week so that our bill can reflect the credit. I even submitted an appeal in an effort to get this corrected faster. That appeal #90631. If you can contact me this week and let me know how to make this correction, it would be greatly appreciated. thanks so much for you timely assistance to this matter.

#### **Case Artifacts**

#### Documents

Name	Uploaded By	Upload Date
Service Start Date - contact doc	Cindy Spenner	3/19/18 3:00 PM

#### **Attachments**

Attachment Type	
ems available	
	ems available

#### **Case Thread**

User	Note	Date
USAC	Cindy,  Thank you for contacting USAC regarding the status of your appeal. We have a goal to process all appeals within 90 days of receipt.  Your appeal has been under review for less than 90 days. Should USAC have questions while processing your appeal, they may contact you. In order to prepare, we advise you to consider the following:  • Have all documentation to support the appeal, including forms and previous correspondence.  • Respond to requests for additional information in a timely manner.  • Always let us know if you need additional time to respond.  Once our review of your appeal is complete, we will issue a Revised Funding Commitment Decision Letter (RFCDL), which will provide information about next steps.  We are working diligently to successfully process all appeals and you should receive further information soon. If you do not receive your RFCDL after 90 days of submission of your appeal, you may contact us.  If you have any additional questions or concerns, you may reopen the case and add a note. If the case cannot be reopened, please create a new customer service case or contact the Client Service Bureau at 888-203-8100.	3/19/2018 3:08 PM CDT

# Spenner, Cindy

# Supporting Doc. #3 Documentation of Vendor Contact

From:

Spenner, Cindy

Sent:

Thursday, February 22, 2018 11:51 AM

To:

Michelle Willsie

Subject:

RE: IMPORTANT - E-Rate 2017-2018

Thanks Michelle -

I will be back in the office around 2:30

Cindy

Cindy Spenner

Academic Technology/Webmaster Bishop Heelan Catholic Schools

Cell | 712.253.8061 Visit our website!

From: Michelle Willsie [mailto:mwillsie@fibercomm.net]

Sent: Thursday, February 22, 2018 11:18 AM

To: Spenner, Cindy <Cindy.Spenner@bishopheelan.org>

Subject: RE: IMPORTANT - E-Rate 2017-2018

Of course! I just didn't want to surprise you on the invoice without reaching out. I will let you know if I receive any follow up information.

Thank you for your response,

# Michelle Willsie

#### **FiberComm**

1605 9th St., Sioux City, IA 51101

Office: 712,224,2020 Direct: 712.224.2055 Fax: 712.224.8810 mwillsie@fibercomm.net

From: Spenner, Cindy [mailto:Cindy.Spenner@bishopheelan.org]

Sent: Thursday, February 22, 2018 11:16 AM To: Michelle Willsie <mwillsie@fibercomm.net> Subject: RE: IMPORTANT - E-Rate 2017-2018

Michelle -

Thanks for the heads up – I will check it this afternoon

From: Michelle Willsie [mailto:mwillsie@fibercomm.net]

Sent: Thursday, February 22, 2018 10:58 AM

To: Spenner, Cindy < <a href="mailto:Cindy.Spenner@bishopheelan.org">Cindy.Spenner@bishopheelan.org</a>>

Subject: IMPORTANT - E-Rate 2017-2018

#### Good Morning-

At this time USAC has held payment of FRN 1799095603 due to an issue with the start date or end date on the FRN. Please see the message below I received from USAC.

Michelle, The FRN 1799095603 for this Invoice was determined to have an incorrect Service Start Date and/or End Date. It is currently being reviewed to determine what changes need to be made. Once that review is completed, the review of the Invoice can be completed as well. If additional information is needed, the SP/Applicant will be contacted. We do not have an estimated completion date available at this time. If you have any additional questions or concerns, you may reopen the case and add a note. If the case cannot be reopened, please create a new customer service case or contact the Client Service Bureau at 888-203-8100.

I'm hoping you can provide me with some insight on this matter. Without a response, I am afraid that I will have to suspend the credit on your bill until this has been worked out. We can retroactively apply the credit when this is resolved. Please respond by end of day Friday the 23<sup>rd</sup>, so that I have time to make any adjustments to your account before our bills print.

Thank you,

# Michelle Willsie

#### **FiberComm**

1605 9th St., Sioux City, IA 51101

Office: 712.224.2020 Direct: 712.224.2055 Fax: 712.224.8810 mwillsie@fibercomm.net

From: Michelle Willsie

Sent: Wednesday, November 22, 2017 3:49 PM

To: cindy.spenner@bishopheelan.org

Cc: Andrea Kovarna < AKovarna@fibercomm.net>

**Subject:** E-Rate 2017-2018

Good Afternoon-

I see that your 486 has been approved for E-Rate! I handle E-Rate for FiberComm and wanted to take a moment to introduce myself and give you a point of contact- should you need it.

I also wanted to see how you wanted to proceed. There are 2 options for Invoicing Methods, BEAR Form and Form 474.

- BEAR Form Process
  - As the provider, I'm not completely familiar with this process. FiberComm would bill you in full and you would be responsible for submitting the BEAR Form (Form 472).
  - o USAC would submit their reimbursement to you directly
- Form 474
  - o This process would be FiberComm billing you at your discounted rate (creating a credit for the months that have passed so far this school year). And we would submit the Form 474 for reimbursement.
  - o USAC would submit their reimbursement to FiberComm.

Please let me know which option will work the best for you and reach out if you have ANY questions.

Looking forward to working with you!

# Michelle Willsie

# **FiberComm**

1605 9th St., Sioux City, IA 51101

Office: 712.224.2020 Direct: 712.224.2055 Fax: 712.224.8810

mwillsie@fibercomm.net

Supporting Doc. #4

Records / Appeals

# 2017-Service Date correction - #90631

Associated FRNs

**Review Inquiries** 

News

Related Actions

Appeal for Service Start Date Correction

In-Review

Outreach

Committed

Appeal Information

View Status (+)

Funding Year 2017

Submitting Organization BISHOP HEELAN CATHOLIC SCHOOLS (BEN:

16038318)

Created By Cindy Spenner

Created On 2/27/2018 10:18 AM CST

**Main Contact** 

Name Cindy Spenner

Email cindy.spenner@bishopheelan.org

Phone Number 712-253-8061

**Narrative** 

I was informed of a needed Service Start Date adjustment for FRN #1799095603 (471 application #171042187). I responded on 12/12/2017 via email and received no further communication. I working with reviewer Jose Diaz on another issue in Jan. 2018, i inquired if we had any further issues that needed resolving for our 2017 year. After researching, he reassured me we were good. I was not aware there my email submitted on 12/12/2018 was not sufficient.

It came to my attention via email from our vendor that our start date was not corrected. I have pulled my emails documentation - and am resubmitting them along with this appeal. Since i didnt hear back, i assumed all was ok. In looking at the email sent on 12/12/2017, it appears i had the start date listed as 7/01/2916. I have made the correction in the email notice as well as here. We have been overwhelmed with reviews and this funding is hugely important to us. I'm asking that the FRN#1799095603 start date be corrected to: 07/01/2017 and that our contract end date is: 04/20/2026. Please refer to the email dated today: 02/27/2018

Respectfully submitted, Cindy Spenner, Academic Technology Manager

#### Appeal Details

Decision appealed by applicant Revised Funding Commitment Decision Letter

If you wish to modify or cancel your appeal, or, if you have any questions about your appeal, please contact the E-rate Program's Client Service Bureau (CSB) at (888) 203-8100.

View Supporting Documentation (+)